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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,834	03/29/2001	Brenton L. Meyer	10003737-1	6123

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,834

Applicant(s)

MEYER, BRENTON L.

Examiner

CHAN S. PARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 3-10 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 2/22/05, and has been entered and made of record. Currently, **claims 3-17 and 21-24** are pending.

Drawings

2. The corrected or substitute drawings were received on 2/22/05. The drawings are acceptable.

Response to Arguments

3. Applicant's arguments with respect to claims 3-10 and 21-24 have been considered but are moot in view of the new ground(s) of rejection. In response to the applicant's remark, the applicant alleges, "Claim 3 has been rewritten as an independent claim incorporating all of the limitations of claim 1, the base claim." Since claim 3, as currently amended, fails to incorporate all of the limitations of claim 1, it is remained rejected in view of the new grounds of rejection.
4. Claims 11-17 are allowed.

Claim Objections

5. Claim 3 is objected to because of the following informalities:
Line 7, "and" should be deleted after "data file;".
6. Claims 23 and 24 are objected to because of the following informalities:

Line 4, "the formatter" should be -- a formatter --.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 22 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation of "generating a test page data file without using the formatter" is not described in the specification. Upon review of the specification, it is noted that the test page data file is initially stored in the RAM 110.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitations "the device" and "said test page" in line 12. There is insufficient antecedent basis for these limitations in the claim. It is uncertain as to what "device" the claim is referring to. Further, it is uncertain as to how said print

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engine module can produce said test page when said test page is inputted to the print engine module. If "said test page" is the data file, how can the engine module produce the data file? No clear production of said test page is performed in the current claim wording.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-10 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasanuma et al. U.S. Patent No. 6,034,788 (hereinafter Sasanuma) in view of Suzuki et al. U.S. Patent No. 5,771,420 (hereinafter Suzuki).

9. With respect to claim 3, Sasanuma discloses a printer comprising:

an operating interface having at least a marking agent test page control (console unit 217 in fig. 8A & col. 7, lines 32-42);

a print engine module that consumes the supply to produce a printed page from a formatted data file (printing of print data formatted by both 108 and LUT 25 in fig. 5);
and

a memory module (pattern generator 29) storing a marking agent test page data file, said memory module being linked to said print engine module, said memory module being linked to said test page control whereby selection of said test page will cause said

test page data to be transmitted to said print engine module for production of said test page by said print engine module (fig. 5).

Sasanuma, however, does not disclose expressly that the supply consumption rate may be determined by measuring the consumable supply consumed in producing said test page.

Suzuki, the same field of endeavor of the printing art, discloses a device having an embedded supply consumption rate test capability, the device being of the type that has a processor, and that requires at least a consumable supply to produce output, the device comprising:

- an operating interface (operational panel 60 in fig. 2) having at least a standard output control (col. 5, lines 6-7);

- an engine module that consumes the supply to produce the output (col. 5, lines 12-17); and

- a memory module (RAM 52) storing an instruction set (printing routine in col. 5, lines 18-19) for causing said engine module to produce a standard unit of output (S130 in fig. 3), said memory module being linked to said engine module (fig. 2), said memory module being linked to said standard output control whereby selection of said standard output control will cause the device to transmit said instruction set to said engine module for production of said standard unit of output by said engine module (col. 5, lines 6-7);

whereby the supply consumption rate may be determined by measuring the consumable supply consumed in producing said standard unit of output (fig. 3 & col. 6, lines 6-47).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the processor for calculating the supply consumption rate of Suzuki into the test pattern generating printer of Sasanuma.

The suggestion/motivation for doing so would have been to calculate the number test pattern pages that can be printed using the supply.

Therefore, it would have been obvious to combine Sasanuma with Suzuki to obtain the invention as specified in claim 3.

10. With respect to claim 4, Sasanuma discloses the printer wherein the printer further comprises:

a formatter (either 108 or LUT 25 in col. 6, lines 46-53) linked to said print engine module for formatting incoming print data files; and

wherein said memory module is linked to said print engine module with a linkage that bypasses said formatter (fig. 5).

11. With respect to claim 5, Sasanuma discloses the printer wherein said memory module comprises a subcomponent of said formatter (fig. 5).

12. With respect to claim 6, Sasanuma discloses the printer wherein said marking agent test page comprises a page having at least a color image thereon (test pattern 1 in col. 7, lines 60-63).

13. With respect to claim 7, Sasanuma discloses the printer wherein said marking agent test page comprises a first and a second marking agent test page, said first marking agent test page having only black images thereon and said second marking agent test page having at least a color image thereon (col. 7, lines 60-63 and fig. 7).

14. With respect to claim 8, Sasanuma discloses the printer wherein said memory module comprises an integrated circuit chip (col. 7, lines 62-63).

15. With respect to claim 9, Sasanuma discloses the printer wherein the printer further comprises an engine controller for controlling said print engine module, and wherein said memory module comprises a sub-component of said engine controller (fig. 5).

16. With respect to claim 10, Sasanuma discloses the printer wherein said operating interface comprises a user accessible control panel (fig. 8).

17. With respect to claim 21, Sasanuma teaches a method for a printer having a formatter (either 108 or LUT 25 in col. 6, lines 46-53), comprising: printing a test page without using the formatter (pattern generator 29 in fig. 5).

Sasanuma, however, does not teach the method for determining a rate of consumption of a marking agent based on the amount of marking agent consumed printing the test page.

Suzuki, the same field of endeavor of the printing art, discloses a device having an embedded supply consumption rate test capability, the device being of the type that has a processor, and that requires at least a consumable supply to produce output, the device comprising:

an operating interface (operational panel 60 in fig. 2) having at least a standard output control (col. 5, lines 6-7);

an engine module that consumes the supply to produce the output (col. 5, lines 12-17); and

a memory module (RAM 52) storing an instruction set (printing routine in col. 5, lines 18-19) for causing said engine module to produce a standard unit of output (S130 in fig. 3), said memory module being linked to said engine module (fig. 2), said memory module being linked to said standard output control whereby selection of said standard output control will cause the device to transmit said instruction set to said engine module for production of said standard unit of output by said engine module (col. 5, lines 6-7);

whereby the supply consumption rate may be determined by measuring the consumable supply consumed in producing said standard unit of output (fig. 3 & col. 6, lines 6-47).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the processor for calculating the supply consumption rate of Suzuki into the test pattern generating printer of Sasanuma.

The suggestion/motivation for doing so would have been to calculate the number test pattern pages that can be printed using the supply.

Therefore, it would have been obvious to combine Sasanuma with Suzuki to obtain the invention as specified in claim 21.

18. With respect to claim 22, Sasanuma teaches a method for a printer having a formatter, comprising:

generating a test page data file without using the formatter (pattern generator 29); and

printing a test page based on said test page data file without using the formatter (either 108 or LUT 25 in col. 6, lines 46-53).

Arguments analogous to those presented for claim 21, are applicable.

19. With respect to claim 23, arguments analogous to those presented for claim 21, are applicable.

20. With respect to claim 24, arguments analogous to those presented for claim 22, are applicable.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
June 22, 2005

Chan S. Park
Examiner
Art Unit 2622


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